

## CHAPTER 6

## DOGS

For law of the commonwealth as to dogs, see G.L., C. 140, ss 136A to 174. As to disposition of dead animals, see s 14-4 of this Revision.

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## Sec. 6-1. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

**Dangerous dog.** Any dog that according to the records of the appropriate authority has inflicted severe injury on a human being without provocation on public or private property; has killed a domestic animal without provocation while off the owner's property; has been previously found to be potentially dangerous; the owner having received notice of such and the dog aggressively bites, attacks or endangers the safety of human beings or domestic animals.

**Dogs.** All animal of canine species, both male and female.

**Keeper.** Any person, corporation or society, other than the owner, harboring or having in his possession any dog.

**Owner.** Any person or persons, firm, association or corporation owning, keeping or harboring a dog as herein defined.

**Potentially dangerous dogs.** Any dog that when unprovoked, inflicts bites on a human or a domestic animal either on public or private property; chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or any dog with a known propensity, tendency, or disposition to attack unprovoked; to cause injury or to cause injury otherwise to threaten the safety of humans or domestic animals.

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**Public Nuisance.** Any dog shall be deemed a public nuisance when attacking persons or domestic animals while such dog is on property other than that of such dog's owner, when destroying property, when on a public school ground and when not under restraint, if it shall persistently chase moving vehicles, or if it shall persistently and prolongedly bark or howl between the hours of 10:00 P.M. and 7:00 A.M. in any one day. Each twenty-four hour period thereafter shall constitute a separate violation.

Further, any unspayed female dog in season, shall be deemed a public nuisance when not confined indoors by the owner thereof, or housed in a veterinary hospital or registered kennel.

**Restraint.** Under control of the owner or keeper by (a) means of a collar and leash or chain or (b) confinement on the owner or keeper's property.

**Run-at-large.** Free of restraint and permitted to wander on private or public ways at will.

**Severe injury.** Any injury that requires a physician's attention.

## Sec. 6-2. Permitting dog to run-at-large.

(a) No person shall own, keep or harbor in the City of Leominster outside the confines of the owner's or keeper's property (meaning owned, rented or leased), any dog which is not held firmly on a leash or chain, no more than six (6) feet in length, by a person who shall have control of the dog. Retractable leashes with handles are an acceptable restraint under this Section, provided that such leashes are not capable of extending past a maximum of sixteen (16) feet, and further provided that the person having control of the dog shall extend such leash no more than six (6) feet in length in any public area when the dog may come in contact with another person or persons. All persons keeping, owning or having possession, control, charge or custody of any dog shall confine such dog on their premises by means of a leash, chain, tether, run or enclosure. For any dog confined only by a fence or enclosure, such fence or enclosure must be of sufficient height and construction to prevent the dog from escaping.

(b) The owner or keeper of any dog who is found in violation of this section shall be subject to penalties as set forth in Section 6-5 of this Chapter.

(c) The provisions of Section 6-2(a) of this Chapter shall not apply to dogs which are engaged in sporting events such as hunting, field trials, or training, provided that this exemption applies only during such period of time as the dog is actually engaged in the event or sport, and only while the dog is so engaged in an area where hunting or other sporting events are permitted by statute and/or ordinance.

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## 6-2.1 Enclosure and/or restraint of dangerous dog.

It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any person or animal. Further, while on the owner's property which shall be properly posted, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen structure, chained suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and also provide to the dog protection from the weather.

## 6-2.2 Declaration of dangerous dog.

No dog may be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

## 6-2.3. Law enforcement use.

Dogs used for law enforcement are exempt from the above.

## 6-2.4. Failure to license dog.

An additional late fee of ten dollars per dog shall be charged to each dog owner who fails to license his dog or dogs on or before May first of any year. The fees so collected shall be deposited in the city treasury to become part of the city's general fund.

## Sec. 6-3. Impoundment - Duty of dog officer; notice to owner; redemption procedure; fees.

(a) It shall be the duty of the dog officer to apprehend any dog found unrestrained and running at large and to impound such dog in a suitable place, or to order the owner or keeper thereof to restrain such dog.

(b) If such dog so impounded has upon it the name and address of the owner thereof, or if the name of such owner is otherwise known, then the dog officer shall immediately notify the owner, and if the owner is not known, then no notice shall be necessary. The owner of any dog so impounded may reclaim such dog upon the payment of the sum of six dollars for the first twenty-four hour period or any part thereof and for each subsequent twenty-four hour period or portion thereof that the dog is held thereafter; provided, however, that if the dog is not licensed, that before release to any person, a license as required by the city shall be secured.

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## Sec. 6-4. Same - Disposition of unclaimed dogs.

Any dog which has been impounded and has not been redeemed by the owner within ten days shall be disposed of as provided by section 151A, chapter 140 of the General Laws of the state, and any amendments thereto.

## Sec. 6-5. Penalties for violation of chapter.

Any owner or keeper found in violation of this chapter, shall be subject to a fine in accordance with the following schedule:

## Schedule

1st offense . . . . .	\$ 40.00
2nd offense . . . . .	\$ 50.00
3rd and subsequent offenses . . . . .	\$100.00
All dangerous dog violations. . . . .	\$100.00

Any owner or keeper who commits a third offense by keeping a dangerous dog which has done damage or injury or any owner or keeper who commits a second offense by keeping a dangerous dog which has done damage or injury when the first offense was likewise a dangerous dog violation shall, in addition to a fine, remove the dog from the city limits.

Any owner or keeper who after having been notified to remove a dog from the city limits fails to produce proof of disposition of said dog outside of the city limits within seven days of receiving a citation fining the owner or keeper and requiring the dog to be removed from the city limits shall be subject to a fine of \$300.00.

If the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of this chapter.

Any owner or keeper of a dog shall be subject to a fifty dollar fine if such dog, whether licensed or unlicensed, is permitted to run at large on dual rubbish-garbage collection days in designated wards.

## Sec. 6-6. Enforcement of chapter.

The dog officer, assistant dog officer and members of the police department duly appointed shall enforce the provisions of this chapter relating to dogs, and shall attend to all complaints or other matters pertaining to dogs in the city.

## Sec. 6-7. Noncriminal Disposition.

The dog officer, assistant dog officer or members of the police department duly appointed may, as an alternative to initiating criminal proceedings, seek the noncriminal disposition of any violations of this chapter by following the procedure set forth in Section 21D of Chapter 40 of the General Laws.